

Assembly Bill No. 446

Passed the Assembly September 8, 2003

Chief Clerk of the Assembly

Passed the Senate September 4, 2003

Secretary of the Senate

This bill was received by the Governor this _____ day of
_____, 2003, at _____ o'clock __M.

Private Secretary of the Governor

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CHAPTER _____

An act to amend Sections 215 and 220 of, and to add Section 210.1 to, the Labor Code, relating to state employees.

LEGISLATIVE COUNSEL'S DIGEST

AB 446, Matthews. State employees: wages.

Existing law sets forth the requirements for payment cycles for employees of private employers, and provides that any person who fails to pay the wages of these employees as provided in specified provisions is subject to a civil penalty, and any person who violates certain of these provisions is guilty of a misdemeanor.

This bill would require that wages earned by state employees with regularly designated paydays be paid on those days. For labor performed in excess of the normal work period, the bill would require that employees be paid no later than the next payroll period. The bill would also specify when permanent intermittent state employees and state employees that do not have regularly designated paydays are paid. It would specify that civil and misdemeanor penalties would apply for violation of these requirements.

By creating a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Section 210.1 is added to the Labor Code, to read:

210.1. In addition to, and entirely independent and apart from, any other penalty provided in this article, every appointing power, agency, department, or commission that fails to pay the wages of each employee as provided in subdivision (c) of Section 220 shall be subject to the civil penalties specified in Section 210. The



penalties shall not be assessed if the failure to pay employees is due to earthquake, fire, or other public calamity, or if the California Constitution or other law prevents the payment of wages in a timely manner.

SEC. 2. Section 215 of the Labor Code is amended to read:

215. Any person, or the agent, manager, superintendent or officer thereof, who violates any provision of Section 204, 204b, 205, 207, 208, 209, 212, or 220 is guilty of a misdemeanor. Any failure to keep posted any notice required by Section 207 is prima facie evidence of a violation of those sections.

SEC. 3. Section 220 of the Labor Code is amended to read:

220. (a) Sections 201.5, 201.7, 203.1, 203.5, 204, 204a, 204b, 204c, 204.1, 205, and 205.5 do not apply to the payment of wages of employees directly employed by the State of California. Except as provided in subdivision (b), all other employment is subject to these provisions.

(b) Sections 200 to 211, inclusive, and Sections 215 to 219, inclusive, do not apply to the payment of wages of employees directly employed by any county, incorporated city, or town or other municipal corporation. All other employments are subject to these provisions.

(c) (1) Notwithstanding any other provision of law, wages earned by state employees with regularly designated paydays shall be paid on those days. For labor performed in excess of the normal work period, those employees shall be paid no later than the next regular payroll period.

(2) Permanent intermittent state employees and state employees that do not have regularly designated paydays shall be paid within five days after the close of the payroll period.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.



Approved _____, 2003

Governor

